

# How to Start a Parentage Case

<b>Step 1</b>	<b>Complete the following forms</b> in blue or black ink: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> FL-210 Summons (Uniform Parentage-Petition for Custody and Support)</li> <li><input checked="" type="checkbox"/> FL-200 Petition to Determine Parental Relationship (Uniform Parentage)</li> <li><input checked="" type="checkbox"/> Local Form FM-1050 Family Law Notice</li> <li><input checked="" type="checkbox"/> FL-311 Child Custody and Visitation Application Attachment</li> <li><input checked="" type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)</li> </ul>
<b>Step 2</b>	<b>Copies:</b> Make <b>2</b> copies, in addition to the original.
<b>Step 3</b>          There is a filing fee unless the fee is waived.	<b>File:</b> File the original and copies in the <b>Clerk's Office</b> of the courthouse located at: <b>201 North First Street, San Jose, CA 95113</b> The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.sccourt.org">www.sccourt.org</a> or call <b>408-534-5600</b> for current office hours.  <input type="checkbox"/> If you <u>are not</u> asking for a fee waiver, you will pay the filing fee and get copies back with a file-stamp. <input type="checkbox"/> If you <u>are</u> asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.
<b>Step 4</b>	<b>Service:</b> After the filed copies are returned to you: <ul style="list-style-type: none"> <li>• <b>Keep</b> for your records—1 filed copy</li> <li>• <b>Serve</b> 1 filed copy and a blank FL-220 <i>Response to Petition to Determine Parental Relationship</i>, a blank FL-105 <i>UCCJEA</i>, and local form FM-1021 <i>ADR Options</i> on the other party. "Service" means: <b>someone, NOT YOU</b>, who is at least 18 years old must <b>hand deliver</b> the filed copies to the other party.</li> </ul> Whoever does the service must complete the attached <i>Proof of Service of Summons</i> form (FL-115) and give it back to you. You must file the original and a copy of this form at the Clerk's Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records. Wait 30 days for the other party to have a chance to respond.
<b>Step 5</b>	<b>Wait:</b> The other party has 30 days to respond after the forms are delivered to them in person by your server. One of the following will happen:  <b>A)</b> If the other parent <b>has filed</b> a <i>Response</i> with the court, discuss the next steps in your case with a private attorney or contact the Self Help Center (see next page for ways to contact the Self Help Center).  <p style="text-align: center;"><b>OR</b></p> <b>B)</b> If the other party <b>does not file</b> a <i>Response</i> with the court, on the 31 <sup>st</sup> day from the date the forms were served to them, you can get help from a private attorney or contact the Self Help Center to get help with the next step which is called "entering their default".

**Please turn over for important information➔**

## WHY IS DETERMINING PARENTAGE IMPORTANT FOR MY CHILD?

A parentage action determines the parentage of your child, rights to child support and legal claims to inheritance or Social Security benefits. However, you must be sure you get your actual parentage *Judgment*, not just orders for custody and support. Opening a case also establishes which county's court will make decisions about your child.

## WHAT ARE THE IMPORTANT DEADLINES?

The court has important things you should do to keep your case on track. The first is that you should **serve your filed Petition and Summons on the other parent within 60 days of filing**.

There are additional deadlines you can read about in the court's Local Rules and the California Rules of Court. You can find both Rules on our website ([www.scscourt.org](http://www.scscourt.org)) or at the Santa Clara County Law Library. If you do not follow the Rules and deadlines your case may be dismissed.

## WHAT IF THE FATHER SIGNED A VOLUNTARY DECLARATION OF PATERNITY AT THE HOSPITAL?

The *Voluntary Declaration of Paternity* becomes a parentage judgment 60 days after it is signed and cannot be cancelled after the child turns two years old. If you want custody, visitation or child support orders, you still need to file a parentage action and attach a copy of the *Voluntary Declaration of Paternity*, if you have it.

## WHAT IF THE OTHER PARENT AND I AGREE ABOUT PARENTAGE, CUSTODY, VISITATION AND/OR CHILD SUPPORT ISSUES?

If a case has been opened by you or the other parent and neither of you are being represented by private attorneys in this case, the attorneys at the Self Help Center/Family Law Facilitator's Office can help you prepare a *Judgment* by agreement. To get an appointment, contact the Self Help Center and tell the Center's staff that you agree. You may also hire a private attorney-mediator to help you.

## HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on "Lawyer Referral services" to hire or consult with a private attorney.
- For free legal advice and information, see our "Do-It-Yourself Resources" flyer. Go to [www.scscourt.org](http://www.scscourt.org), click on "Self-Help" then "Self-Help Flyers".
- The Self Help Center/Family Law Facilitator – See our information flyer:
  - Contact us: Go to [www.scscourt.org](http://www.scscourt.org) then click "**Contact the Self-Help Center**". Walk-in assistance is limited to emergencies so contact us remotely first.
  - Obtain Forms: Go to [www.scscourt.org](http://www.scscourt.org) then click "**Complete Forms at Home**"
  - Form Review: Attend our online Parentage and Request for Order (UPA/RFO) Workshop (go to [www.scscourt.org](http://www.scscourt.org), "Contact the Self-Help Center", then "Self-Help Workshops"), then email your forms as a PDF file to [shccustody@scscourt.org](mailto:shccustody@scscourt.org).
  - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara  
**Self Help Center/Family Law Facilitator's Office**  
 201 N. First Street, San Jose, CA 95113  
 408-882-2926

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# BLANK FORMS

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START UPA

**THESE ARE THE DOCUMENTS  
YOU HAVE TO COMPLETE,  
COPY, FILE AND SERVE.**





# SUMMONS

(Parentage—Custody and Support)

# CITACIÓN (Paternidad—Custodia y Manutención)

NOTICE TO RESPONDENT (Name): \_\_\_\_\_

AVISO AL DEMANDADO (Nombre): \_\_\_\_\_ (The Other Parent's Legal Name)

You have been sued. Read the information below and on the next page.  
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name: \_\_\_\_\_

El nombre del demandante: \_\_\_\_\_ (Your Legal Name)

CASE NUMBER: (Número de caso) \_\_\_\_\_

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

<p>You have <b>30 calendar days</b> after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p>Tiene <b>30 días de calendario</b> después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.</p>	<p>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.</p>
<p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (<a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a>), at the California Legal Services website (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), or by contacting your local bar association.</p>	<p>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (<a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>), en el sitio web de los Servicios Legales de California (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), o poniéndose en contacto con el colegio de abogados de su condado.</p>
<p><b>NOTICE:</b> <i>The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</i></p>	<p><b>AVISO:</b> <i>La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.</i></p>
<p><b>FEE WAIVER:</b> If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p><b>EXENCIÓN DE CUOTAS:</b> <i>Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</i></p>

[SEAL]

- The name and address of the court are: (El nombre y dirección de la corte son:)  
Family Justice Center Courthouse  
Street Address: 201 N. First Street, San Jose, CA 95113  
Mailing Address: 191 N. First Street, San Jose, CA 95113
- The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)  
Your Legal Name: \_\_\_\_\_  
Your Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Your Phone Number: \_\_\_\_\_

Date (Fecha): \_\_\_\_\_ Clerk, by (Secretario, por) \_\_\_\_\_, Deputy (Asistente)

**STANDARD RESTRAINING ORDER**  
(Parentage—Custody and Support)

**ORDEN DE RESTRICCIÓN ESTÁNDAR**  
(Paternidad—Custodia y Manutención)

**Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.**

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

***En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.***

*Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.*

*Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.*

*Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.*

**NOTICE—ACCESS TO AFFORDABLE HEALTH**

**INSURANCE** Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit [www.coveredca.com](http://www.coveredca.com). Or call Covered California at 1-800-300-1506.

**AVISO—ACCESO A SEGURA DE SALUD MÁS**

**ECONOMICO** Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite [www.coveredca.com](http://www.coveredca.com). O llame a Covered California al 1-800-300-0213.

- Form Approved for Optional Use  
Judicial Council of California  
FL-200 [Rev. September 1, 2021]

Family Code, § 7630  
[www.courts.ca.gov](http://www.courts.ca.gov)

PETITIONER: RESPONDENT:	CASE NUMBER:
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Petitioner asks the court to make the determinations indicated below.

7. PARENT-CHILD RELATIONSHIP (*check all that apply*):

- a. ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.
- b. ☐ Petitioner ☐ Respondent is not the parent of the children listed in item 2.
- c. ☐ Petitioner requests genetic testing to determine whether the ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.

8. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. If ☐ Petitioner ☐ Respondent is found to be the parent of the children listed in item 2.

	Petitioner	Respondent	Joint	Other
b. Legal custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Physical custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Child visitation (parenting time) be granted to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As requested in ☒ form [FL-311](#) ☐ form [FL-312](#) ☐ form [FL-341\(C\)](#)  
☐ form [FL-341\(D\)](#) ☐ form [FL-341\(E\)](#) ☐ Attachment 8d

- e. The facts in support of the requested custody and visitation (parenting time) orders are (*specify*):  
☐ Contained in the attached declaration.

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH

Reasonable expenses of pregnancy and birth to be paid by as follows:

	Petitioner	Respondent	Joint
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. NAME CHANGE

☐ Children's names be changed, according to Family Code section 7638, as follows (*specify old and new names*):

12. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

13. ☐ OTHER ORDERS REQUESTED (*specify*):

14. I have read the restraining order on the back of the *Summons* (form [FL-210](#)) and I understand it applies to me when this *Petition* is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

A blank *Response to Petition to Determine Parental Relationship* (form [FL-220](#)) must be served on the respondent with this petition.

**NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.**

**—This is not a court order—**

TO ☒ Petition ☐ Response ☐ Request for Order ☐ Responsive Declaration to Request for Order  
☐ Other (specify):

**California's public policies and law on child custody and visitation include that:**

- In general, children should have frequent and continuing contact with their parents, and parents should be encouraged to share the responsibility of raising their children, except when domestic abuse has happened or contact with a parent is not in the best interests of the children.
- When making any orders about physical and legal custody and visitation (parenting time), the court must consider the best interests of the child, which primarily include the health, safety, and welfare of the child.
- If a parent has been abusive, judges use laws to help protect children when deciding to make orders about child custody and visitation (parenting time). A judge may deny an abusive parent custody or unsupervised visitation with a child.
- Children have the right to be safe and free from abuse.
- A child's exposure to domestic violence and domestic violence committed where a child lives are detrimental to the health, safety, and welfare of the child.
- For more information, read [selfhelp.courts.ca.gov/child-custody#best-interest](https://selfhelp.courts.ca.gov/child-custody#best-interest) and [selfhelp.courts.ca.gov/domestic-violence-child-custody](https://selfhelp.courts.ca.gov/domestic-violence-child-custody)

## 1. Minor Children

☐ [Attachment 1.](#)

Child's name

Birthdate

Age

2. ☒ **Custody** of the minor children is requested as follows:

Petitioner

Respondent

Joint

Other Parent/Party

- a. Physical custody of children to.....
- (The person with whom the child will regularly live)
- b. Legal custody of children to .....
- (The person who decides about the child's health, education, and welfare)

Note: To ask the court for joint legal custody orders that specify when the parents must agree before making decisions (for example, before choosing or changing the children's school, doctor, or religious or school activities), use *Joint Legal Custody Attachment* (form [FL-341\(E\)](#)) or a document that includes the same content as form FL-341(E).

To learn about physical and legal custody, go to [selfhelp.courts.ca.gov/child-custody](https://selfhelp.courts.ca.gov/child-custody).

- c. ☐ There are allegations of a history of abuse or substance abuse in this case. (You must complete item 5.)
- d. ☐ Other (specify):

3. ☒ **Visitation (Parenting Time)** I request that the court order (*check one*):

- a. ☐ Reasonable right of visitation (parenting time) to the party in item 2a without physical custody, including but not limited to, virtual visitation. **(Not appropriate in cases involving domestic violence and substance abuse).**
- b. ☐ Visitation (parenting time) as described in the attached \_\_\_\_\_-page document dated (*specify date*):
- c. ☐ The visitation schedule in item 4 that includes in-person, virtual, other visitation.
- d. ☐ Supervised visitation. (*You must complete item 6.*)
- e. ☐ No visitation (parenting time) to the person without physical custody for the reasons described in item 13.

**Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.**



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. ☐ **Petitioner's** ☐ **Respondent's** ☐ **Other Parent's/Party's** visitation (parenting time) will be (check all that apply):
- a. ☐ **In person**, as follows (Specify start and ending date and time. If applicable, check "start of" OR "after school"):

- (1) ☐ **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)	
<input type="checkbox"/> 1st	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 2nd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 3rd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 4th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 5th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after

- (a) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, starting (date):
- (b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

- (2) ☐ **Alternate weekends starting (date):**

(Specify day(s) from \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after  
and times): to \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (3) ☐ **Weekdays starting (date):**

(Specify day(s) from \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after  
and times): to \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (4) ☐ Other visitation (parenting time) days and restrictions are ☐ [listed in Attachment 4a\(4\)](#)  
☐ as follows:

- b. ☐ **Virtual visitation**

I ask that the court order virtual visitation as described ☐ [in Attachment 4b.](#) ☐ below:

Virtual visitation means using audiovisual electronic technology (like a smartphone, tablet, smart watch, or computer) for a parent and a child to see and hear each other. Learn more about how to have safe virtual visits at [selfhelp.courts.ca.gov/child-custody/virtual-visitation](http://selfhelp.courts.ca.gov/child-custody/virtual-visitation).

- c. ☐ **Other ways that visitation (parenting time) can happen** that are in the best interests of the child (specify):



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. ☐ **Child custody and visitation when there are allegations of a history of abuse or substance abuse**

a. **Allegations**

- (1) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.
- (2) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.

b. **Child custody**

- (1) ☐ I ask that the court NOT order sole or joint custody of the minor child to the party or parties in 5a.
- (2) ☐ Even though there are allegations, I ask that the court make the child custody orders in item 4.  
*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted child custody, even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*  
☐ Below: ☐ [Attachment 5b\(2\)](#) ☐ Other (specify):

c. **Visitation (Parenting Time)**

- (1) ☐ I ask that the court order supervised visitation as specified in item 6.
- (2) ☐ I ask that the court order unsupervised visitation to the party or parties as specified in item 4.
- (A) Even though there are allegations of a history of abuse or substance abuse, I request that the court order unsupervised visitation to (specify): ☐ petitioner ☐ respondent ☐ other parent/party.
- (B) The reasons why the court should make the orders are  
*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted unsupervised visitation (parenting time) even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*  
☐ Below: ☐ [In Attachment 5c\(2\)\(B\)](#) ☐ Other (specify):

- (3) ☐ Other (specify):



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. ☐ **Supervised visitation (parenting time)**

(To learn about supervised visitation, go to: [selfhelp.courts.ca.gov/guide-supervised-visitation/](http://selfhelp.courts.ca.gov/guide-supervised-visitation/).)

- a. I ask that ☐ petitioner ☐ respondent ☐ other parent/party have supervised visitation with the minor children.
- b. The reasons why the court should make the orders are *(specify)*:  
*(Write the reasons why you think unsupervised visitation (parenting time) would NOT be in the best interest of the child.)*  
☐ Below ☐ [In Attachment 6b](#) ☐ Other *(specify)*:
- c. I ask that the visitations be monitored by *(name, if known)*:  
 The provider's phone number is *(specify)*:
- (1) ☐ The person or agency is a professional provider.  
 (A) A professional provider must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* ([form FL-324\(P\)](#)) and sign the declaration.  
 (B) Professional provider fees to be paid by: petitioner: \_\_\_\_\_ percent. respondent: \_\_\_\_\_ percent.  
 other parent/party: \_\_\_\_\_ percent.
- (2) ☐ The person is a nonprofessional provider. The person must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Nonprofessional)* ([form FL-324\(NP\)](#)).
- d. Location of supervised visitation. I request that supervised visitation be *(check one)*:
- (1) ☐ In person at a safe location.  
 (2) ☐ Virtual visitation (not in person).  
 (3) ☐ Other *(describe)*:
- e. Schedule for supervised visitation *(specify)*:
- (1) ☐ Once a week, for *(number of hours for each visit)*:  
 (2) ☐ Two times each week, for *(number of hours for each visit)*:  
 (3) ☐ As specified in item 4.  
 (4) ☐ Other *(describe)*:

7. ☐ **Transportation for visitation (parenting time) and place of exchange**

*Note: In cases of domestic violence, the court must have enough information to make orders that are specific as to the time, day, place, and manner of transfer (exchange) of the child for custody and visitation under Family Code section 6323(c).*

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles and must have child restraint devices properly installed, as required by law.
- b. ☐ Transportation **to** begin the visits will be provided by *(name)*:
- c. ☐ Transportation **from** the visits will be provided by *(name)*:
- d. ☐ The exchange point at the beginning of the visit will be *(address)*:
- e. ☐ The exchange point at the end of the visit will be *(address)*:
- f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. ☐ Other *(specify)*:





PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. ☐ **Travel with children** The ☐ petitioner ☐ respondent ☐ other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of
- a. ☐ the state of California.
- b. ☐ the following counties (*specify*): South Bay Counties: Santa Clara, Alameda, Monterey, Marin, Stanislaus, Merced, Contra Costa, San Mateo, San Francisco, San Joaquin, San Benito & Santa Cruz
- c. ☐ other places (*specify*):
9. ☐ **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached [form FL-312](#).
10. ☐ **Child custody mediation**  
 I request an order for the parties to go to child custody mediation or child custody recommending counseling (*specify date, time, and location, if applicable*): Family Court Services  
 www.sccscourt.org  
 201 N. First Street  
 San Jose, CA 95113  
 Note: Parents with a family court case who do not agree about child custody or visitation are required to attend mediation to try to develop a parenting plan that is in the best interest of their child. A party who alleges domestic violence in a written declaration under penalty of perjury or who is protected by a protective order may ask the mediator or child custody recommending counselor to meet with the parties separately and at separate times. A court order for separate sessions is not required.
11. ☐ **Children's holiday schedule.** I request the holiday and vacation schedule set out ☐ below ☐ [on form FL-341\(C\)](#)
12. ☐ **Additional custody provisions.** I request the additional orders for custody set out ☐ below ☐ [on form FL-341\(D\)](#)
13. ☐ **Other (*specify*):**



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 201 N. First Street, San Jose, CA 95113 MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113 CITY AND ZIP CODE: BRANCH NAME: Family Justice Center Courthouse	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name):	CASE NUMBER:
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am (check one): ☐ a party to this proceeding to determine custody of a child ☐ the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.

2. There are (specify number): \_\_\_\_\_ minor children who are subject to this proceeding, as follows (list oldest child first):

Full Name	Date of birth	Place of birth (city and state)
a.		
b.		
c.		
d.		

☐ Check this box if you need to list more children. (On form [MC-020](#) or a separate piece of paper, write "FL-105, Attachment 2, Additional Children" at the top, provide all requested information for each additional child, and attach to this form.)

3. a. ☐ Check this box if there is only one child or if all of the children listed in item 2 have lived together for the past five years. (Provide the current address of the child listed in item 2a and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)

Dates of residence (Month/Year)		Residence (City, State)	Person child lived with and complete current address	Relationship
From:	To present			
		<input type="checkbox"/> Confidential (list state only)	<input type="checkbox"/> Confidential (list state only)	
From:	To:			
From:	To:			
From:	To:			
From:	To:			

☐ Additional addresses are listed on Attachment 3a. (Form [MC-020](#) may be used for this purpose.)

b. ☐ Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form FL-105(A)/GC-120(A) and list each other child's current address and their residence history for the past five years.)

CASE NAME:

CASE NUMBER:

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

☐ Yes ☐ No (If yes, attach a copy of the orders if you have one and provide the following information):

Proceeding	Case number	Court (name, state or tribe, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Probate Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state or tribe, location)
d. <input type="checkbox"/> Juvenile		
e. <input type="checkbox"/> Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State or Tribe	Case Number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody of or claims to have rights to custody of or visitation with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

a. Name and address of person:

b. Name and address of person:

c. Name and address of person:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

7. ☐ Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

Your case has been assigned to Judge \_\_\_\_\_ in Department: \_\_\_\_\_ for all purposes at the Family Courthouse Located at: 201 North First Street, San José, CA 95113.

You must follow the California Rules of Court, the Superior Court of California, County of Santa Clara Local Family Law Rules and you must use the correct forms. You can access the California Rules of Court and Judicial Council forms at [www.courts.ca.gov/rules.htm](http://www.courts.ca.gov/rules.htm) and the Local Family Law Rules and Local forms at [www.scscourt.org](http://www.scscourt.org).

- Please visit the Self Help section on the Court's website at [www.sccourt.org](http://www.sccourt.org)
- For a low cost consultation with a private attorney contact the Santa Clara County Bar Association at (408) 971-6822 (or [www.sccba.com](http://www.sccba.com)).
- You can also email, call or Live Chat the Court's Self Help Center by going to [www.sccourt.org](http://www.sccourt.org), then click "Contact the Self Help Center".

If, after reviewing the Court's website or other information, you would like to schedule a Status Conference to review the status of your case and next steps to finish it, you may contact the Family Court Clerk's Office at (408) 534-5600 or visit them in person at one of the three courthouses listed above during regular Court business hours. **The purpose of the Status Conference is to review your case's progress; it is not the date when your case is actually finished.**



# **PROOF OF SERVICE**

**START UPA**

**TO BE COMPLETED BY THE SERVER  
(SEE INSTRUCTIONS FOR DETAILS)**





PARTY WITHOUT ATTORNEY or ATTORNEY      STATE BAR NO.: NAME: _____ FIRM NAME: <b>Self-Represented</b> STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): <b>Self-Represented</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 201 N. First Street, San Jose, CA 95113 MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113 CITY AND ZIP CODE: BRANCH NAME: <b>Family Justice Center Courthouse</b>	
PETITIONER:  RESPONDENT:	
<b>PROOF OF SERVICE OF SUMMONS</b>	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a. ☐ Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
- or—
- b. ☒ Uniform Parentage: *Petition to Determine Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Determine Parental Relationship* (form [FL-220](#))
- or—
- c. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
- and
- d. ☒ (1) ☒ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#))
- (2) ☐ Completed and blank *Declaration of Disclosure* (form [FL-140](#))
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
- (4) ☐ Completed and blank *Income and Expense Declaration* (form [FL-150](#))
- (5) ☐ Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
- (6) ☐ Completed and blank *Property Declaration* (form [FL-160](#))
- (7) ☐ *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
- (8) ☒ Other (specify):  
     ADR Options (Local Form FM-1021),  
     Family Law Notice (Local Form FM-1050)  
     Child Custody and Application Attachment (FL-311)
2. Address where respondent was served:

3. I served the respondent by the following means (check proper boxes):
- a. ☒ **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- b. ☐ **Substituted service.** I left the copies with or in the presence of (name): \_\_\_\_\_ who is (specify title or relationship to respondent): \_\_\_\_\_
- (1) ☐ **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed the person of the general nature of the papers.
- (2) ☐ **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed the person of the general nature of the papers.
- on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): \_\_\_\_\_

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. c. ☐ **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): \_\_\_\_\_ from (city): \_\_\_\_\_
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. (**Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#)).**) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested). (**Attach signed return receipt or other evidence of actual delivery to the respondent.**) (Code Civ. Proc., §§ 415.40, 417.20.)
- d. ☐ **Other** (specify code section): \_\_\_\_\_
- ☐ Continued on [Attachment 3d](#).

4. **Person who served papers**

Name: \_\_\_\_\_

Address:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

This person is

- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☒ not a registered California process server.
- c. ☐ a registered California process server: ☐ an employee or ☐ an independent contractor
- (1) Registration no.: \_\_\_\_\_
- (2) County: \_\_\_\_\_
- (3) **The fee** for service was (specify): \$ \_\_\_\_\_
5. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or—
6. ☐ **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF PERSON WHO SERVED PAPERS)



\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED PAPERS)

# **RESPONSIVE FORMS**

**START UPA**

# ***LEAVE BLANK***

**TO BE ATTACHED TO THE  
OTHER PARTY'S COPY FOR  
SERVICE**



1. The petitioner
  - a. ☐ is a parent of the children in item 2.
  - b. ☐ is not a parent of the children in item 2.
  - c. ☐ is the child or the child's personal representative (*specify court and date of appointment*):
  - d. ☐ Other (*specify*):
2. The children are
  - a. 

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
---------------------	------------------	------------
  - b. ☐ a child who is not yet born
3. The respondent
  - a. ☐ lives in the state of California.
  - b. ☐ was in California when the children listed in item 2 were conceived.
  - c. ☐ does not live in the state of California.
  - d. ☐ was not in California when the children listed in item 2 were conceived.
  - e. ☐ Other (*specify*):
4. The children
  - a. ☐ live or are found in this county.
  - b. ☐ are children of a parent who is deceased, and proceedings for administration of the estate have been or could be started in this county.
5. The respondent is
  - a. ☐ the parent of the children listed in item 2 above.
  - b. ☐ not certain if the respondent is the parent of the children listed in item 2 above.
  - c. ☐ not the parent of the children listed in item 2 above.
  - d. ☐ Other (*specify*):
6. Additional statements
  - a. ☐ Parentage has been determined by a voluntary declaration of parentage or paternity. (*Attach a copy if available.*)
  - b. ☐ Parentage has been established in another case ☐ governmental child support ☐ Other (*specify*):
  - c. ☐ Public assistance is being provided to the children.
7. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

The respondent asks that the court make the determinations listed below.

8. PARENT-CHILD RELATIONSHIP *(check all that apply)*:

- a. ☐ Respondent ☐ Petitioner is the parent of the children listed in item 2.
- b. ☐ Respondent ☐ Petitioner is not the parent of the children listed in item 2.
- c. ☐ Respondent requests genetic testing to determine whether the ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.

9. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in ☐ form FL-311 ☐ form FL-312 ☐ form FL-341(C) ☐ form FL-341(D) ☐ form FL-341(E) ☐ Attachment 6c(1)
- d. The facts in support of the requested custody and visitation (parenting time) orders are *(specify)*:
- ☐ Contained in the attached declaration.

10. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

- |  | Petitioner               | Respondent               | Joint                    |
|--|--------------------------|--------------------------|--------------------------|
| Reasonable expenses of pregnancy and birth to be paid by as follows: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

11. FEES AND COSTS OF LITIGATION

- |   | Petitioner               | Respondent               | Joint                    |
|---|--------------------------|--------------------------|--------------------------|
| a. Attorney fees to be paid by  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

12. NAME CHANGE

- ☐ Children's names be changed, according to Family Code section 7638, as follows *(specify old and new names)*:

13. OTHER ORDERS REQUESTED *(specify)*:

14. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

I have read the restraining order on the back of the *Summons* (FL-210) and I understand it applies to me.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF RESPONDENT)
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**NOTICE:** If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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### CHILD CUSTODY AND VISITATION (PARENTING TIME) APPLICATION ATTACHMENT

—This is not a court order—

TO ☐ Petition ☐ Response ☐ Request for Order ☐ Responsive Declaration to Request for Order  
☐ Other (specify):

*This section is for information only and is not a part of your request for orders:*

**California's public policies and law on child custody and visitation include that:**

- In general, children should have frequent and continuing contact with their parents, and parents should be encouraged to share the responsibility of raising their children, except when domestic abuse has happened or contact with a parent is not in the best interests of the children.
- When making any orders about physical and legal custody and visitation (parenting time), the court must consider the best interests of the child, which primarily include the health, safety, and welfare of the child.
- If a parent has been abusive, judges use laws to help protect children when deciding to make orders about child custody and visitation (parenting time). A judge may deny an abusive parent custody or unsupervised visitation with a child.
- Children have the right to be safe and free from abuse.
- A child's exposure to domestic violence and domestic violence committed where a child lives are detrimental to the health, safety, and welfare of the child.
- For more information, read [selfhelp.courts.ca.gov/child-custody#best-interest](https://selfhelp.courts.ca.gov/child-custody#best-interest) and [selfhelp.courts.ca.gov/domestic-violence-child-custody](https://selfhelp.courts.ca.gov/domestic-violence-child-custody)

*Complete items 1 through 13 that apply to your request for orders.*

**1. Minor Children**

Child's name

Birthdate

Age

☐ [Attachment 1.](#)

**2. ☐ Custody** of the minor children is requested as follows:

- |  | Petitioner               | Respondent               | Joint                    | Other Parent/Party       |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Physical custody of children to.....<br>(The person with whom the child will regularly live)                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Legal custody of children to .....<br>(The person who decides about the child's health, education, and welfare) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Note: To ask the court for joint legal custody orders that specify when the parents must agree before making decisions (for example, before choosing or changing the children's school, doctor, or religious or school activities), use *Joint Legal Custody Attachment* (form [FL-341\(E\)](#)) or a document that includes the same content as form FL-341(E).

To learn about physical and legal custody, go to [selfhelp.courts.ca.gov/child-custody](https://selfhelp.courts.ca.gov/child-custody).

- c. ☐ There are allegations of a history of abuse or substance abuse in this case. (You must complete item 5.)
- d. ☐ Other (specify):

**3. ☐ Visitation (Parenting Time)** I request that the court order (check one):

- a. ☐ Reasonable right of visitation (parenting time) to the party in item 2a without physical custody, including but not limited to, virtual visitation. **(Not appropriate in cases involving domestic violence and substance abuse).**
- b. ☐ Visitation (parenting time) as described in the attached -page document dated (specify date):
- c. ☐ The visitation schedule in item 4 that includes in-person, virtual, other visitation.
- d. ☐ Supervised visitation. (You must complete item 6.)
- e. ☐ No visitation (parenting time) to the person without physical custody for the reasons described in item 13.

**Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.**



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. ☐ **Petitioner's** ☐ **Respondent's** ☐ **Other Parent's/Party's** visitation (parenting time) will be (check all that apply):
- a. ☐ **In person**, as follows (Specify start and ending date and time. If applicable, check "start of" OR "after school"):

- (1) ☐ **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)	
<input type="checkbox"/> 1st	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 2nd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 3rd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 4th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 5th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after

- (a) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, starting (date):

- (b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

- (2) ☐ **Alternate weekends starting (date):**

(Specify day(s) from \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after  
and times): to \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (3) ☐ **Weekdays starting (date):**

(Specify day(s) from \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after  
and times): to \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (4) ☐ Other visitation (parenting time) days and restrictions are ☐ [listed in Attachment 4a\(4\)](#)  
☐ as follows:

- b. ☐ **Virtual visitation**

I ask that the court order virtual visitation as described ☐ [in Attachment 4b.](#) ☐ below:

Virtual visitation means using audiovisual electronic technology (like a smartphone, tablet, smart watch, or computer) for a parent and a child to see and hear each other. Learn more about how to have safe virtual visits at [selfhelp.courts.ca.gov/child-custody/virtual-visitation](http://selfhelp.courts.ca.gov/child-custody/virtual-visitation).

- c. ☐ **Other ways that visitation (parenting time) can happen** that are in the best interests of the child (specify):





PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. ☐ **Child custody and visitation when there are allegations of a history of abuse or substance abuse**

a. **Allegations**

- (1) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.
- (2) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.

b. **Child custody**

- (1) ☐ I ask that the court NOT order sole or joint custody of the minor child to the party or parties in 5a.
- (2) ☐ Even though there are allegations, I ask that the court make the child custody orders in item 4.  
*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted child custody, even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*  
☐ Below: ☐ [Attachment 5b\(2\)](#) ☐ Other (specify):

c. **Visitation (Parenting Time)**

- (1) ☐ I ask that the court order supervised visitation as specified in item 6.
- (2) ☐ I ask that the court order unsupervised visitation to the party or parties as specified in item 4.
- (A) Even though there are allegations of a history of abuse or substance abuse, I request that the court order unsupervised visitation to (specify): ☐ petitioner ☐ respondent ☐ other parent/party.
- (B) The reasons why the court should make the orders are  
*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted unsupervised visitation (parenting time) even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*  
☐ Below: ☐ [In Attachment 5c\(2\)\(B\)](#) ☐ Other (specify):

- (3) ☐ Other (specify):



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. ☐ **Supervised visitation (parenting time)**

(To learn about supervised visitation, go to: [selfhelp.courts.ca.gov/guide-supervised-visitation/](http://selfhelp.courts.ca.gov/guide-supervised-visitation/).)

- a. I ask that ☐ petitioner ☐ respondent ☐ other parent/party have supervised visitation with the minor children.
- b. The reasons why the court should make the orders are *(specify)*:  
*(Write the reasons why you think unsupervised visitation (parenting time) would NOT be in the best interest of the child.)*  
☐ Below ☐ [In Attachment 6b](#) ☐ Other *(specify)*:
- c. I ask that the visitations be monitored by *(name, if known)*:  
 The provider's phone number is *(specify)*:
- (1) ☐ The person or agency is a professional provider.  
 (A) A professional provider must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* ([form FL-324\(P\)](#)) and sign the declaration.  
 (B) Professional provider fees to be paid by: petitioner: \_\_\_\_\_ percent. respondent: \_\_\_\_\_ percent.  
 other parent/party: \_\_\_\_\_ percent.
- (2) ☐ The person is a nonprofessional provider. The person must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Nonprofessional)* ([form FL-324\(NP\)](#)).
- d. Location of supervised visitation. I request that supervised visitation be *(check one)*:
- (1) ☐ In person at a safe location.  
 (2) ☐ Virtual visitation (not in person).  
 (3) ☐ Other *(describe)*:
- e. Schedule for supervised visitation *(specify)*:
- (1) ☐ Once a week, for *(number of hours for each visit)*:  
 (2) ☐ Two times each week, for *(number of hours for each visit)*:  
 (3) ☐ As specified in item 4.  
 (4) ☐ Other *(describe)*:

7. ☐ **Transportation for visitation (parenting time) and place of exchange**

*Note: In cases of domestic violence, the court must have enough information to make orders that are specific as to the time, day, place, and manner of transfer (exchange) of the child for custody and visitation under Family Code section 6323(c).*

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles and must have child restraint devices properly installed, as required by law.
- b. ☐ Transportation **to** begin the visits will be provided by *(name)*:
- c. ☐ Transportation **from** the visits will be provided by *(name)*:
- d. ☐ The exchange point at the beginning of the visit will be *(address)*:
- e. ☐ The exchange point at the end of the visit will be *(address)*:
- f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. ☐ Other *(specify)*:



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. ☐ **Travel with children** The ☐ petitioner ☐ respondent ☐ other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of
- ☐ the state of California.
  - ☐ the following counties (*specify*): South Bay Counties: Santa Clara, Alameda, Monterey, Marin, Stanislaus, Merced, Contra Costa, San Mateo, San Francisco, San Joaquin, San Benito & Santa Cruz
  - ☐ other places (*specify*):
9. ☐ **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached [form FL-312](#).
10. ☐ **Child custody mediation**  
 I request an order for the parties to go to child custody mediation or child custody recommending counseling (*specify date, time, and location, if applicable*): Family Court Services  
 www.sccscourt.org  
 201 N. First Street  
 San Jose, CA 95113  
 Note: Parents with a family court case who do not agree about child custody or visitation are required to attend mediation to try to develop a parenting plan that is in the best interest of their child. A party who alleges domestic violence in a written declaration under penalty of perjury or who is protected by a protective order may ask the mediator or child custody recommending counselor to meet with the parties separately and at separate times. A court order for separate sessions is not required.
11. ☐ **Children's holiday schedule.** I request the holiday and vacation schedule set out ☐ below ☐ [on form FL-341\(C\)](#)
12. ☐ **Additional custody provisions.** I request the additional orders for custody set out ☐ below ☐ [on form FL-341\(D\)](#)
13. ☐ **Other (*specify*):**



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 201 N. First Street, San Jose, CA 95113 MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113 CITY AND ZIP CODE: BRANCH NAME: Family Justice Center Courthouse	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name):	
Minor	
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am (check one): ☐ a party to this proceeding to determine custody of a child ☐ the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.

2. There are (specify number): \_\_\_\_\_ minor children who are subject to this proceeding, as follows (list oldest child first):

Full Name	Date of birth	Place of birth (city and state)
a.		
b.		
c.		
d.		

☐ Check this box if you need to list more children. (On form [MC-020](#) or a separate piece of paper, write "FL-105, Attachment 2, Additional Children" at the top, provide all requested information for each additional child, and attach to this form.)

3. a. ☐ Check this box if there is only one child or if all of the children listed in item 2 have lived together for the past five years. (Provide the current address of the child listed in item 2a and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)

Dates of residence (Month/Year)		Residence (City, State)	Person child lived with and complete current address	Relationship
From:	To present			
		<input type="checkbox"/> Confidential (list state only)	<input type="checkbox"/> Confidential (list state only)	
From:	To:			
From:	To:			
From:	To:			
From:	To:			

☐ Additional addresses are listed on Attachment 3a. (Form [MC-020](#) may be used for this purpose.)

b. ☐ Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form FL-105(A)/GC-120(A) and list each other child's current address and their residence history for the past five years.)

CASE NAME:

CASE NUMBER:

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

☐ Yes ☐ No (If yes, attach a copy of the orders if you have one and provide the following information):

Proceeding	Case number	Court (name, state or tribe, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Probate Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state or tribe, location)
d. <input type="checkbox"/> Juvenile		
e. <input type="checkbox"/> Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State or Tribe	Case Number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody of or claims to have rights to custody of or visitation with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

a. Name and address of person:

b. Name and address of person:

c. Name and address of person:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

☐ Has physical custody☐ Claims custody rights☐ Claims visitation rights

Name of each child:

7. ☐ Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

# Choices for Solving Legal Problems without a Court Hearing

FAMILY COURT  
Superior Court, Santa Clara County

## Alternate Dispute Resolution is a CHOICE in Family Law Cases

“Alternative Dispute Resolution” (ADR) is a term used for ways you can solve problems without going to a formal Court hearing with a Judge. Some choices are explained below. ADR can save you time **and** money. With ADR you are likely to feel better about the legal process and how your case is settled. You can often solve Family Law issues such as child custody, visitation, support, and property division by agreement instead of by going to a Court hearing.

Except for custody and visitation mediation, ADR services are voluntary and can only be a part of your case resolution plan if both parties choose to use these services.

All court-connected ADR providers that are a part of your case resolution plan have been trained to assess and handle cases that may have domestic violence issues. Ask about separate sessions if meeting separately from the other party will make you feel safer.

## TYPES OF RESOLUTION PROCESSES:

### Custody/Visitation Mediation - *Free*

California law says that if parents do not agree about custody and visitation issues they must try to settle the issues by going to Mediation. Mediation is a way for parents to meet with someone who does not work for either side to try to agree about their children. Mediation can be done through the Court at Family Court Services at no cost or through a private mediator you hire on your own. Mediation through Family Court Services in Santa Clara County is a confidential process - the mediator will not go to a Court hearing to tell the Judge what you or the other parent said in mediation. The mediator can help you and the other parent talk about and decide issues such as how much time the child will spend with each parent, how to best exchange the child, and other custody or visitation issues.

**Orientation and Mediation may be scheduled by calling (408) 534-5760. Parties must attend Orientation prior to Mediation if they have never been to Mediation before. Orientation may be done online at [http://www.sccscourt.org/court\\_divisions/family/fcs/fcs\\_orientation.shtml](http://www.sccscourt.org/court_divisions/family/fcs/fcs_orientation.shtml) or in person by calling (408) 534-5760 to schedule Orientation. Orientation is available in English and Spanish.**

### Settlement Officer Conference (SOC) - *Free*

The Court has a full-time Settlement Officer, whose job is to help parties settle their family law cases for free. The Settlement Officer Conference (SOC) focuses on resolving **property and support issues**. The conference works best when parties have given each other information in advance about their finances and how they think things should be settled. An SOC can be set at any time after you have served the Preliminary Declarations of Disclosure by calling (408) 534-5710.

### Mediation

Mediation is a way to reach an agreement with the help of a person who is specially trained to help resolve disagreements. The mediator can help the parties talk with each other and explore options for settlement. Mediators are usually attorneys hired by the parties, but they are not the attorney for either side. A mediator can help resolve one issue or the entire case. Mediation is private and confidential. Anything that is said or written in the mediation process is confidential. The mediator may not talk about the case to the Court or anyone else unless the parties both agree. Agreements reached in mediation can become court orders if both parties agree.

Visit the Court's website for a list of Family ADR providers:

[http://www.scscourt.org/court\\_divisions/family/adr/family\\_adr\\_search.asp](http://www.scscourt.org/court_divisions/family/adr/family_adr_search.asp)

### **Personal Property Arbitration - Free**

A volunteer attorney will decide how to divide your **personal property**, such as furniture. Both parties must agree to the arbitration or it must be ordered by the Court. The arbitrator writes up a decision after each side presents his or her case. The arbitrations are held at the Family Court and may be scheduled by calling (408) 534-5710.

### **Collaborative Law**

In the collaborative practice process, each party has a private attorney and each makes a commitment to resolve any disagreements without going to court. The parties and their attorneys have a series of private meetings to create solutions based on the needs of the parties. All parties and their attorneys agree that if the parties cannot settle their case and/or if either party chooses to withdraw from the process and go to court, the collaborative attorneys cannot represent these parties in court.

Visit the Court's website for a list of Family ADR and Collaborative Law providers:

[http://www.scscourt.org/court\\_divisions/family/adr/family\\_adr\\_search.asp](http://www.scscourt.org/court_divisions/family/adr/family_adr_search.asp)

You may also contact the Santa Clara County Bar Association at (408-287-2557 or [www.sccba.com](http://www.sccba.com)) and ask for names of attorneys from the Collaborative Law panel.

### **Arbitration and Private Judging**

An arbitrator, usually an attorney hired by the parties, makes a decision after the hearing information is presented by both parties. The arbitrator prepares a written decision which is sent to both parties and the Court. The parties decide ahead of time whether the arbitration is binding or not. "Binding" means that the arbitrator's decision will be final. "Non-binding" means that the parties do not have to follow the arbitrator's decision.

Private judging, like arbitration, involves choosing a person, usually an attorney, to act as either a settlement or trial judge or both. The decision of the private judge is filed with the Court as a Court order. If you want to consider private judging, both sides must agree on the private judge. Please be sure that you are clear on the experience and qualifications of the provider as well as the costs and services that he or she will provide.

### **Young Children's Settlement Team-Free**

If you have a child aged 5 or under and have custody or visitation disputes, you may request to participate in the Young Children's Settlement Team Project. This brings together a team of volunteer mental health professionals and volunteer attorneys who work with the parties at the courthouse to attempt to resolve any custody or visitation issues. The process is confidential. If agreements are reached, they are reviewed by the parties and counsel, as well as the Court. If there are still issues left, a JCC is held with the All Purpose Judge.

*The Court does not think any form of ADR or any ADR provider is better than another and does not guarantee how your case will work out.*